



Before the

FEDERAL COMMUNICATIONS COMMISSION/FCC
Washington, D.C.



The CPB • WGBH
National Center for
Accessible Media

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In the Matter of

Digital Data Transmission Within
the Video Portion of Television
Broadcast Station Transmissions

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RM-7567
MM Docket No. 95-42

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NATIONAL CENTER FOR ACCESSIBLE MEDIA

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Background

The CPB/WGBH National Center for Accessible Media (NCAM) is a research and development facility dedicated to the issues of media technology for disabled people. NCAM endeavors to ensure access to the cultural and educational advantages brought by today's mass media, thereby assuring participation in the educational, vocational, and commercial opportunities of tomorrow's information and entertainment services.

We appreciate the opportunity to comment on the issue of digital data transmission within broadcast signals. Our concern for this issue stems from our affiliation with public broadcasting in general. However, first and foremost, we are concerned as advocates for media access for individuals with disabilities.

Congressional support for access services is clear

As the Commission knows, Congress is considering several groundbreaking pieces of legislation which will enable individuals with disabilities to gain access to video programming. For more than 15 years, Congress has annually appropriated funds for the closed captioning and, more recently, the describing of video programming. In 1990, Congress, by enacting the Television Decoder Circuitry Act, provided an easy and affordable means by which individuals with disabilities could decode closed-captioned signals in video programming. Further, the Americans with Disabilities Act of 1990 requires that federally funded TV public service announcements, and some other communications by public entities, be closed captioned. In the 1992 Cable Act, Congress required that, under the "must carry rules," the integrity of closed-caption data in local

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broadcast signals must be preserved when retransmitted by MSO/cable operators. The most significant piece of legislation is working its way through Congress now. At present, Congress is on the verge of passing a comprehensive telecommunications reform bill which would mandate closed captioning of video programming and require the study of a similar mandate for descriptive video.

Maintaining integrity of access services is essential

These key pieces of legislation evidence not only Congress' recognition of the importance of closed captioning but also its intent to ensure that individuals with disabilities have access to closed-captioned programming. In light of this, we view it as a necessity that rules be delineated to preserve the integrity of the closed-caption data in line 21 of the vertical blanking interval (VBI) in broadcast signals. At present, there are no rules or regulations governing broadcasters (as there are governing cablecasters) requiring that closed-caption data in the VBI be transmitted "intact and in place". Further, there are no rules governing either group that would ensure that such closed-caption data be properly monitored by broadcasters or cablecasters.

We believe that in the absence of such rules, the closed-caption data in the VBI may be fatally affected by the suggested digital data transmission methods discussed in the Notice of Proposed Rule Making. While inserted data, regardless of the method, may result in no discernible degradation of the visual picture, such insertions may distort, garble, interrupt, or destroy the fragile closed-caption data stream in the VBI. Such a result would effectively render the captioning of programs useless for the millions of deaf and hard-of-hearing viewers who rely on this vital service.

Therefore, we strongly urge the Commission to adopt a definition of "discernible degradation" which will consider the impact not only on the visual picture and audio quality but also on the integrity of the closed-captioned signal. In addition, such a definition should consider the impact of the data transmissions on other auxiliary services, such as video description in the Separate Audio Program (SAP) channel, which enable individuals who are blind and visually impaired to gain access to video programming. Furthermore, the Commission should establish a broadcast and cable monitoring system which would assure that digital data inserted into the broadcast signal would not disturb affect closed-caption data in line 21 and additional audio services in the SAP channel. Without such rules, the Congressional intent to ensure that individuals with disabilities have access to closed-captioned and described programming may be thwarted by potentially incompatible digital data transmissions.

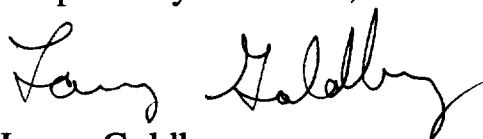
Limitations on rejection of data are needed

As a department within a major public broadcasting organization which supports

innovative television technologies, we urge the Commission to adopt rules that promote rather than hinder the growth of the digital data transmission industry. We urge the Commission to adopt rules that would prohibit broadcasters and cablecasters from rejecting digital data material for solely competitive reasons. Ancillary digital data inserted by a producer, program owner, or primary distributor should fall under the purview of his or her First Amendment rights. Local broadcasters or cablecasters should not be allowed to reject this data solely because they support, or have financial interest in, a competing digital data transmission scheme. Such competition-based discrimination and rejection of data will, in the long run, hinder the growth of this important industry. Rather, the Commission should establish the conditions under which data may be rejected by a broadcaster or cablecaster. Such conditions should not distinguish between those data transmissions which are program-related and those which are not.

In conclusion, we are hopeful that the digital data transmission industry will thrive, thus providing valuable services to all individuals, including individuals with disabilities. The key to ensuring that individuals with disabilities enjoy such services is a timely rulemaking which will preserve the integrity of closed captioned and described video programming.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Larry Goldberg".

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